

Docket No. F-7917

Ser. No. 10/634,539

REMARKS

Claims 1-8 are pending and have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Vance (USPN 4,649,524).

In reviewing Vance, the reference teaches placing transducers T1 to TM “at appropriate locations...and in intimate contact with” the ground. Vance, col. 3, ln. 64. The reference states that “the high frequency system [provided by the traducers T1 to TM] is not suitable for determining the locations of the source of the ground failure”. Vance, col. 4, ln 21, col. 6, ln. 49 and Figs. 4 and 5.

In comparison with Vance, the invention is directed to disposing three oscillation sensors to define a substantially equilateral triangle, where oscillation data from the sensors is processed for determining a direction of approaching waves. Vance is silent on such a configuration and incapable of such a directional determination. Accordingly, Applicant has amended Claim 1 to recite “positioning three microseismic oscillation wave sensors for defining a substantially equilateral triangular configuration” and “determining a direction of origin of the microseismic oscillations from the measured oscillation data.” As the reference fails to teach such limitations, the claims are patentable thereover. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974) (a prima facie case of obviousness is established only where the combination of cited references teaches or suggests each limitation in the claim).

Docket No. F-7917

Scr. No. 10/634,539

Applicant respectfully requests a three month extension of time for responding to the Office Action. The fee of \$1020.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.


If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.


Docket No. F-7917

Ser. No. 10/634,539

Respectfully submitted,
JORDAN AND HAMBURG LLP

By 
C. Bruce Hamburg
Reg. No. 22,389
Attorney for Applicants

and,

By 
T. David Bomzer
Reg. No. 48,770
Attorney for Applicants

Jordan and Hamburg LLP
122 East 42nd Street
New York, New York 10168
(212) 986-2340